

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KENNETH E. THOMAS, and  
KRISTIN L. THOMAS,

O R D E R

Plaintiffs,

vs.

ONEWEST BANK, FSB, a  
federally chartered savings bank  
and REGIONAL TRUSTEE SERVICES  
CORPORATION, a Washington  
corporation.

## Defendants.

AIKEN, Chief Judge:

Plaintiff's Emergency Motion for Preliminary Injunction (doc. 24) is granted. On November 18, 2010, this court previously denied as moot plaintiffs' prior motion for preliminary injunction based on defendants' representation to this court that

defendants have "postponed foreclosure from September 30 through December 2, 2010, pending the Court's decision on [defendants'] motion to dismiss and is willing to continue working with plaintiffs to postpone foreclosure beyond December 2, if necessary." Order, doc. 23. Pending are both defendants' motion to dismiss and plaintiffs' motion for preliminary injunction. The court granted defendants leave to file a surreply to the preliminary injunction motion until December 6, 2010.

Therefore, a preliminary injunction is hereby entered to preserve the subject matter of this litigation and to cancel and enjoin a Trustee's Sale of the Property scheduled on December 2, 2010, as well as preclude any further foreclosure proceedings, sale, transfer, or encumbering of the property at issue pending the full disposition of this litigation on the merits, or settlement by the parties.

The parties are encouraged to contact the court if they are interested in a judicial settlement conference.

IT IS SO ORDERED.

Dated this 30 day of November 2010.

/s/ ANN AIKEN

Ann Aiken  
United States District Judge